

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:19-CR-000102-002-FDW-DSC**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>CHOUNG SHAWN NGUYEN</b>	)	

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**THIS MATTER IS BEFORE THE COURT** on the Government’s “Motion for Order for Turnover of Funds” (Doc. 86), filed on November 7, 2022.

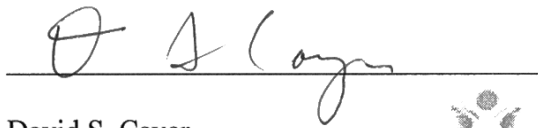
The Defendant, Choung “Shawn” Nguyen, pleaded guilty to a Bill of Information charging one count of conspiracy to commit wire fraud in violation of 18 U.S.C. § 371 on March 20, 2019. The charge arose from fraudulent conduct directed at his former employer Cargill Inc. In section 8(a) of his plea agreement, Defendant agreed to an order of restitution “to all victims directly or indirectly harmed by the defendant’s ‘relevant conduct’...” (Doc. 6). As the victim of Defendant’s fraud, Cargill is entitled to restitution pursuant to the Mandatory Victim Restitution Act, 18 U.S.C. § 3663A (“MVRA”). On December 5, 2019, the Court entered a judgment in the criminal case against Defendant which included, among other provisions and consistent with the MVRA, an order of restitution in the amount of \$40,433,630.00 to Cargill. On August 11, 2022, the Court issued a Writ of Execution providing for liquidation and turnover of certain retirement funds in a Cargill retirement plan, specifically Defendant’s balance in the Cargill Partnership Plan (the “Nguyen Retirement Funds”). The Nguyen Retirement Funds are subject to Defendant’s restitution judgment pursuant to the MVRA, which authorizes execution on ERISA-protected retirement funds pursuant to a criminal restitution order. *See United States v. Frank*, 8 F.4<sup>th</sup> 320, 331 (4th Cir. 2021). Cargill and Vanguard, the custodian of the Cargill Partnership Plan, have

sought an order directing that the Nguyen Retirement Funds be paid to the United States pursuant to the Writ of Execution and the judgment entered against Defendant.

**IT IS THEREFORE ORDERED** that the “Motion for Order for Turnover of Funds” (Doc. 86) is **GRANTED**, and any benefits payable to Choung Shawn Nguyen under the Cargill Partnership Plan shall be paid to the United States pursuant to the Writ of Execution and the judgment entered in this case.

**SO ORDERED.**

Signed: November 8, 2022

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer  
United States Magistrate Judge

